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CARE CENTER OF ROSSMOOR, L.L.C.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Hazel Walsh,

Plaintiff,

vs.

Kindred Healthcare, Inc.; Kindred
Healthcare Operating, Inc.; California
Nursing Centers, LLC; Kindred Nursing
Centers West, LLC; Riverside
Healthcare & Wellness Centre, LLC;
Hillhaven-MSO Partnership; Alta Vista
Healthcare & Wellness Centre (a/k/a
Alta Vista Healthcare); Bay View
Nursing And Rehabilitation Center;
Canyonwood Nursing And Rehab
Center; Care Center Of Rossmoor, LLC
(f/k/a Guardian Of Rossmoor); Fifth
Avenue Health Care Center; Golden
Gate Healthcare Center; Hacienda Care
Center; Nineteenth Avenue Healthcare
Center; Orange Healthcare and Wellness

No. 3:11-cv-00050-JSW

**STIPULATION TO SET
BRIEFING SCHEDULE ON
DEFENDANT CARE CENTER OF
ROSSMOOR, L.L.C.'S
MOTION TO DISMISS
CONSUMER LEGAL REMEDIES
ACT CAUSE OF ACTION IN
SECOND AMENDED
COMPLAINT PURSUANT TO
FED. R. CIV. P. 12(b)(6); CIVIL
L.R. 6-2, 7-12**

Judge: Hon. Jeffrey S. White

Centre, LLC (f/k/a Kindred Healthcare Center of Orange a/k/a La Veta Health Care Center); Santa Cruz Healthcare Center; Smith Ranch Care Center, LLC (f/k/a Guardian at Smith Ranch Care Center); Valley Gardens Healthcare & Rehabilitation Center; Victorian Healthcare Center (f/k/a Hillhaven Victorian); and DOES 1 through 100, inclusive,

Defendants.

Pursuant to Northern District Civil Local Rules 6-2 and 7-12, the parties, through their respective counsel of record, stipulate as follows:

1. On December 21, 2011, Defendant Care Center of Rossmoor, L.L.C. fka Guardian of Rossmoor (“Defendant”) filed a Motion to Dismiss Consumer Legal Remedies Act Cause of Action in Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (the “12(b)(6) Motion”).

2. On December 21, 2011, Defendant Kindred Healthcare, Inc. also filed a Motion to Dismiss Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(2) for lack of personal jurisdiction (“12(b)(2) Motion”). The hearing on the 12(b)(2) Motion is provisionally noticed for March 30, 2012.

3. Pursuant to the November 9, 2011 Stipulation filed with the Court, the parties agreed that, “[i]f any Defendant or Defendants move to dismiss Plaintiffs’ Second Amended Complaint based upon lack of personal jurisdiction, the Parties agree that litigation related to the Defendants’ challenge to personal jurisdiction shall be stayed until further notice. If any Party wishes to lift the stay, it may move the Court for such relief after providing all other Parties with fourteen (14) days written notice.” (Dkt. # 72, ¶ 4.)

4. Accordingly, the parties request that the March 30, 2012 hearing on the 12(b)(2) Motion be taken off calendar, and that any further briefing on the

12(b)(2) Motion be stayed pursuant to the November 9, 2011 Stipulation.

5. With respect to the briefing schedule on the 12(b)(6) Motion, the parties have met and conferred and request that the Court set the following briefing schedule:

February 10, 2012: Plaintiffs' opposition briefs served and filed

February 24, 2012: Defendant's reply brief served and filed

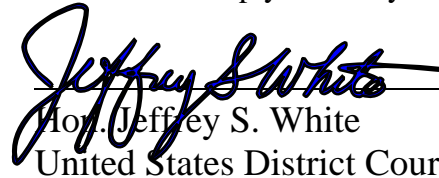
March 30, 2012: Hearing on 12(b)(6) Motion

6. The proposed briefing schedule complies with this Court's Standing Orders by ensuring that Plaintiffs' opposition is filed more than twenty-one (21) days in advance of the proposed hearing, and that Defendant's reply is filed more than fourteen (14) days in advance of the proposed hearing.

7. The parties believe that good cause exists for the proposed briefing schedule because currently the Local Rules would render Plaintiffs' opposition due just after the holidays on January 4, 2012, and therefore impede the holiday plans of Plaintiffs' counsel. Moreover, no prejudice will result from the proposed briefing schedule as it still requires all briefs be filed well in advance of the proposed hearing date, and in conformity with this Court's Standing Orders.

Pursuant to the parties' stipulation, the hearing on motion to dismiss for lack of jurisdiction is vacated pursuant to the stay. The Court further orders that Plaintiff's opposition to the motion to dismiss for ~~PURSUANT TO STIPULATION, IT IS SO ORDERED.~~ failure to state a claim is due by January 12, 2012 and Defendant's reply is due by January 19, 2012. IT IS SO ORDERED.

Dated: December 23, 2011


Hon. Jeffrey S. White
United States District Court Judge

1 Dated: December 22, 2011

Respectfully submitted,

2 MANATT, PHELPS & PHILLIPS

3 By: /s/ Brad W. Seiling

4 Brad W. Seiling

Attorneys for Defendant

CARE CENTER OF ROSSMOOR, L.L.C.

5 Dated: December 22, 2011

Respectfully submitted,

6 LIEF, CABRASER, HEIMANN &
7 BERNSTEIN, LLP

8 By: /s/ Lexi J. Hazam

9 Lexi J. Haxam

Attorneys for Plaintiffs

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